

*Sullivan, J*

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ZINO DAVIDOFF SA,

Plaintiff,

v.

CVS CORPORATION,

Defendant.

06 Civ. 15332 (RJS)

**STIPULATION  
TO EXTEND DISCOVERY  
DEADLINES**

**WHEREAS**, on March 10, 2010, the Court issued a Civil Case Management Plan and Scheduling Order to govern this action; and

**WHEREAS**, on June 15, 2010, the parties jointly submitted a letter to the Court seeking to extend the deadlines for fact and expert discovery by approximately 60 days; and

**WHEREAS**, on June 16, 2010, the Court denied the parties' request to extend discovery, citing a failure to properly detail the reasons why such an extension would be warranted; and

**WHEREAS**, after a status conference on July 19, 2010, during which the parties articulated the obstacles to completing discovery by the existing deadline, the Court issued an Order extending fact discovery to September 30, 2010, extending expert discovery to November 15, 2010, requiring submission of a letter in contemplation of any dispositive motions by November 15, 2010, and scheduling a status conference on December 6, 2010; and

**WHEREAS**, after a settlement conference before Magistrate Judge Dolinger on September 8, 2010, during which the parties reached an agreement in principle as to a majority of key settlement terms, the Court issued an Order extending fact discovery to November 15, 2010, extending expert discovery to December 30, 2010, requiring submission of a letter in

contemplation of any dispositive motions by December 30, 2010, and scheduling a status conference on January 10, 2011; and

**WHEREAS**, on November 15, 2010, the Court issued an Order granting Defendant's request, made with Plaintiff's consent, for a 60-day adjournment of the discovery schedule and extending fact discovery to January 14, 2011, extending expert discovery to February 28, 2011, requiring submission of a letter in contemplation of any dispositive motions by February 28, 2011, and scheduling a status conference on March 7, 2011; and

**WHEREAS**, on January 14, 2011, the Court issued an Order, a copy of which is attached hereto as Exhibit A, granting Defendant's request, made with Plaintiff's consent, for a 60-day adjournment of the discovery schedule and extending fact discovery to March 15, 2011, extending expert discovery to April 29, 2011, requiring submission of a letter in contemplation of any dispositive motions by April 29, 2011, and scheduling a status conference on May 13, 2011; and

**WHEREAS**, the parties have engaged in and are in the final stages of settlement negotiations seeking an amicable resolution to this matter, which the parties anticipate will soon lead to agreement on the few discrete remaining issues; and

**WHEREAS**, counsel for the parties have conferred and have reached agreement that, to allow settlement negotiation and execution to continue without impediment, (a) the deadline for fact discovery shall be extended to May 16, 2011; (b) the deadline for expert discovery shall be extended until June 28, 2011; (c) the date by which a party must submit a pre-motion letter in contemplation of a dispositive motion shall be extended to June 28, 2011; and (d) the status conference scheduled for May 13, 2011 shall be extended to a time and date in July 2011 at the Court's convenience; and

**WHEREAS**, each party has exchanged and responded to all document requests, interrogatories and requests for admission timely served by the other party, and the only discovery remaining is supplemental document production and the depositions of the parties and certain witnesses; and


**NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned counsel, that discovery in this matter shall now be governed by the proposed Revised Scheduling Order attached hereto as Exhibit B, which provides for the following revised deadlines:

1. All fact discovery is to be completed by May 16, 2011;
2. All expert discovery is to be completed by June 28, 2011;
3. Any party contemplating a dispositive motion shall submit a pre-motion letter conforming to the Court's individual practices by June 28, 2011; and
4. The next status conference is set for July 15, 2011 at 3:00  
a.m./p.m. in Courtroom 21C

**IT IS FURTHER HEREBY STIPULATED AND AGREED**, by and between the undersigned counsel, that for the purpose of this Stipulation, facsimile and/or electronic signatures are acceptable and permitted and shall be considered original and authentic.

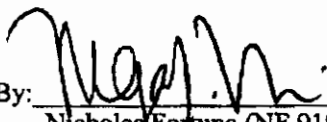
Dated: New York, New York  
March 11, 2011

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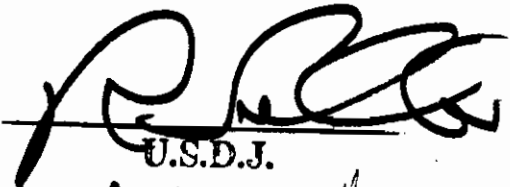

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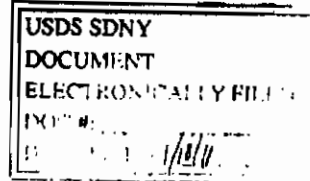
*Attorneys for Defendant CVS Corporation*

**SO ORDERED**

  
U.S.D.J.  
3/11/11 

# **EXHIBIT A**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ZINO DAVIDOFF SA,

Plaintiff,

v.

CVS CORPORATION,

Defendant.

06 Civ. 15332 (RJS)

~~REVISOR~~ REVISED  
SCHEDULING ORDER

RICHARD J. SULLIVAN, District Judge:

The parties having submitted a signed stipulation on January 14, 2011 to revise the existing discovery schedule, the following schedule is established on consent of the parties:

1. All fact discovery is to be completed by March 15, 2011;
2. All expert discovery is to be completed by April 29, 2011;
3. Any party contemplating a dispositive motion shall submit a pre-motion letter conforming to the Court's (individual) practices by April 29, 2011; and
4. The next status conference is set for May 13, 2011 at 11:00 a.m./p.m. in Courtroom 21C

Dated: January 14, 2011  
New York, New York

SO ORDERED:

RICHARD J. SULLIVAN  
U.S.D.J.

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BC

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# **EXHIBIT B**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ZINO DAVIDOFF SA,

Plaintiff,

v.

CVS CORPORATION,

Defendant.

06 Civ. 15332 (RJS)

**[PROPOSED] REVISED  
SCHEDULING ORDER**

RICHARD J. SULLIVAN, District Judge:

The parties having submitted a signed stipulation on March 11, 2011 to revise the existing discovery schedule, the following schedule is established on consent of the parties:

1. All fact discovery is to be completed by May 16, 2011;
2. All expert discovery is to be completed by June 28, 2011;
3. Any party contemplating a dispositive motion shall submit a pre-motion letter conforming to the Court's individual practices by June 28, 2011; and
4. The next status conference is set for \_\_\_\_\_, 2011 at \_\_\_\_\_ a.m./p.m. in Courtroom \_\_\_\_\_.

Dated: March \_\_, 2011  
New York, New York

SO ORDERED:

\_\_\_\_\_  
RICHARD J. SULLIVAN  
U.S.D.J.